IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI.BAIL APPLICATION NO.1712 OF 2006
WITH
CRI.BAIL APPLICATION NO.1737 OF 2006
WITH
CRI.BAIL APPLICATION NO.1792 OF 2006
WITH
CRI.BAIL APPLICATION NO.1793 OF 2006
WITH
CRI.BAIL APPLICATION NO.1804 OF 2006
WITH
CRI.BAIL APPLICATION NO.1805 OF 2006
WITH
CRI.BAIL APPLICATION NO.1821 OF 2006

Kashinath P. Jadhav. ..Applicant.

V.s.

The State of Maharashtra. ..Respondent.

Mr.Amol Patankar for applicant.

Mr.Borulkar, Public Prosecutor with Ms.S.V.Gajare, APP for applicant-State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 29, 2006.

P.C.:

1. These applications are filed by the applicant who is accused in series of criminal cases. All these cases have now been directed to be heard before one Magistrate i.e. Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai. The applicant had earlier filed bail application, which was rejected by this Court. The applicant had then approached the

Supreme Court, which also rejected the plea of the applicant for releasing him on bail. In other words, the Supreme Court confirmed the opinion recorded by me on the earlier occassion, on merits of the bail application. The Apex Court however, observed that it will be open to the applicant to apply to the High Court for bail, in the event the trial Court failed to make any progress of the trial after some time. Accordingly, the present applications have been filed by the applicant. One of the grievance in these applications was that the trials are pending before different courts and in all probability the same may not proceed on account of variety of reasons including some of the accused are not attending the trial. All those grievances were considered and it was found appropriate that the trials pending in different courts should be heard by one Magistrate Court, which would address the problem posed by the applicant. Accordingly, the State moved application for proceeding of the cognate trials before one Magistrate's Court, which application has been allowed. In terms of the said order all the Criminal cases (in all 16 cases) have now been placed for trial before one Court i.e. Metropolitan Magistrate, 16th Court, Ballard Pier, Mumbai. As the trial has progressed, the applicant who is the accused No.1 in

each of those cases, has pleaded guilty. On that basis, the trial Court has convicted the accused in all those cases. As the applicant has already been convicted and is now undergoing sentence awarded by the trial Court in respective criminal cases, nothing survives for consideration in the present bail application. Accordingly, these bail applications are disposed of.

2. However, as requested by the learned Public Prosecutor, it is observed that the trial Court shall be well-advised to dispose of all the cognate criminal cases against the other accused as expeditiously as possible preferrably within six months from today and report compliance thereof to this Court. This observation is necessitated as the action has already been initiated against some of the accused, who are absconding. The accused in those cases namely, Gajanan Laxman Kirtane, Rakesh Chandrakant Gurav, Vivek Rajkumar Sharma, Shrijit Karinath Shriniwasan are present in court and have personally as well as through their counsel assured that they will extend full cooperation to the trial Court for early disposal of the trials. That assurance is accepted.